

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
MARCH 17, 2015
7:00 P.M.**

I. CALL TO ORDER

Mayor Hovland called the meeting to order at 7:08 p.m.

II. ROLL CALL

Answering rollcall were Members Brindle, Staunton, Stewart, Swenson, and Mayor Hovland.

III. MEETING AGENDA APPROVED

Member Staunton made a motion, seconded by Member Stewart, approving the meeting agenda.

Ayes: Brindle, Staunton, Stewart, Swenson, Hovland
Motion carried.

IV. CONSENT AGENDA ADOPTED

Member Swenson made a motion, seconded by Member Brindle, approving the consent agenda as revised to remove Item IV.C. Resolution No. 2015-12 Amending the 2014 Budget, as follows:

IV.A. Approve regular, work session, and closed meeting minutes of March 3, 2015

IV.B. Receive payment of the following claims as shown in detail on the Check Register dated March 5, 2015, and consisting of 26 pages; General Fund \$204,808.42; Pedestrian and Cyclist Safety Fund \$201.22; Working Capital Fund \$459,306.02; Equipment Replacement Fund \$7,685.52; Art Center Fund \$2,995.86; Golf Dome Fund \$7,512.16; Aquatic Center Fund \$450.00; Golf Course Fund \$25,437.32; Ice Arena Fund \$39,398.83; Sports Dome Fund \$21,123.26; Edinborough Park Fund \$10,442.24; Centennial Lakes Park Fund \$7,586.21; Liquor Fund \$127,671.61; Utility Fund \$36,632.13; PSTF Agency Fund \$2,054.92; TOTAL \$953,305.72 and for receipt of payment of claims dated March 12, 2015, and consisting of 30 pages; General Fund \$657,244.27; Police Special Revenue \$212.23; Pedestrian and Cyclist Safety Fund \$137.35; Working Capital Fund \$129,732.28; Equipment Replacement Fund \$26,196.80; Art Center Fund \$1,938.88; Golf Dome Fund \$16,519.60; Aquatic Center Fund \$1,118.11; Golf Course Fund \$100,072.36; Ice Arena Fund \$46,858.42; Sports Dome Fund \$302.75; Edinborough Park Fund \$7,660.72; Centennial Lakes Park Fund \$2,447.67; Liquor Fund \$193,522.70; Utility Fund \$418,086.95; Storm Sewer Fund \$677.21; PSTF Agency Fund \$16,581.73; TOTAL \$1,619,310.03

~~**IV.C. Resolution No. 2015-12 Amending the 2014 Budget**~~

IV.D. Request for Purchase, 50 Meter Pool Painting for Edina Aquatic Center, awarding the bid to the recommended low bidder, Horizon Commercial Pool Supply at \$39,740.00

IV.E. Request for Purchase, Award of Bid Contract ENG 15-4 Countryside H Neighborhood Roadway Improvements, awarding the bid to the recommended low bidder Northwest Asphalt Inc. at \$3,039,075.03

IV.F. Request for Purchase, Award of Bid Contract ENG 15-5 Prospect Knolls B and Dewey Hill G Neighborhood Roadway Improvements, awarding the bid to the recommended low bidder, Northwest Asphalt Inc. at \$1,490,241.41

IV.G. Request for Purchase, Authorize Engineering Services for Tracy Avenue – Preliminary Engineering, awarding the bid to the recommended bidder, WSB Inc. at \$39,500.00

IV.H. Approve the Traffic Safety Committee Report of February 4, 2015

IV.I. Request for Purchase, Generator Load Bank Tester – Public Works, awarding the bid to the recommended low bidder, Loadtec at \$41,391.74

IV.J. Request for Purchase, Four 2015 Prius C Staff Vehicles – Inspections Division, awarding the bid to the recommended bidder, Houston-Galveston Area Council Buy at \$79,872.00

IV.K. Request for Purchase, Fire Station I Duct Insulation, awarding the bid to the recommended bidder, Gagnon Inc. at \$19,850.00

IV.L. Request for Purchase, SCADA Radio Upgrade, awarding the bid to the recommended low bidder, D2 Services at \$28,515.00

IV.M. Approve Notice of Public Hearing to Consider Intent to Franchise

Rollcall:

Ayes: Brindle, Staunton, Stewart, Swenson, Hovland

Motion carried.

ITEMS REMOVED FROM THE CONSENT AGENDA

IV.C. RESOLUTION NO. 2015-12 AMENDING THE 2014 BUDGET – ADOPTED

Manager Neal explained that the budget established for 2014 and 2015 was adopted by the Council on December 17, 2013. The 2014 Budget planned for \$1,800,100 of cash profits transfers out of the Liquor Fund and into other City funds. Staff estimated that revenues would be about 4% under budget due to new competitors and recommended that Council amend the 2014 Budget to cancel a planned transfer of cash from the Liquor Fund to the General Fund in the amount of \$765,100. The amendment would not affect the remaining transfers from the Liquor Fund to the Construction Fund, Golf Fund, Arena Fund, and Art Center Fund. **Member Stewart introduced and moved adoption of Resolution No. 2015-12, Amending the Budget for the City of Edina for the Year 2014.** Member Swenson seconded the motion.

Ayes: Brindle, Staunton, Stewart, Swenson, Hovland

Motion carried.

V. SPECIAL RECOGNITIONS AND PRESENTATIONS

V.A. FEBRUARY SPEAK UP EDINA REPORT PRESENTED – TOPIC: DRIVE THRUS

Communications Coordinator Gilgenbach presented a summary of February opinions, both pros and cons, collected through Speak Up, Edina relating to drive thrus. Mr. Gilgenbach answered a question of the Council indicating that the current Speak Up topic related to street lighting.

V.B. PENTAGON PARK REDEVELOPMENT UPDATE – PRESENTED

Scott Tankenoff, Hillcrest Development, updated the Council on the Pentagon Park project and presented a video of the site, firefighter training, and demolition.

VI. PUBLIC HEARINGS HELD – Affidavits of Notice presented and ordered placed on file.

VI.A. PRELIMINARY PLAT, BLAKE WOODS, 5321 AND 5331 EVANSWOOD LANE AND 5320 AND 5324 BLAKE ROAD, FRANK BERMAN – CONTINUED TO APRIL 21, 2015

Community Development Director Presentation

Community Development Director Teague presented the request from Frank Berman to combine and subdivide four properties at 5321 and 5331 Evanswood Lane and 5320 and 5324 Blake Road into seven lots. Mr. Teague indicated the project was still under consideration by the Planning Commission and staff recommended continuing the Public Hearing to April 21, 2015 to allow time for the Planning Commission to consider the proposed Plat.

Mr. Teague answered a question of the Council relating to the 120-day rule. **Member Swenson made a motion, seconded by Member Stewart, to continue the Public Hearing to April 21, 2015.**

Ayes: Brindle, Staunton, Stewart, Swenson, Hovland

Motion carried.

VI.B. APPEAL OF UTILITY SHUT-OFF, WALDORF NEVENS – REVISED STIPULATION FOR ADEQUATE ASSURANCE OF PAYMENT APPROVED

Finance Director Presentation

Finance Director Roggeman presented a Stipulation for Adequate Assurance of Payment that was negotiated with the debtor, Waldorf Nevens. The debtor, located at 7075/7079 Amundson Avenue, filed for Chapter 11 Bankruptcy on January 9, 2015. Mr. Roggeman informed the Council that the pre-bankruptcy account status was not relevant to the agreement. The agreement was to secure adequate assurance that the debtor would continue to pay the City for usage while the bankruptcy case proceeded.

The Council asked questions relating to the billing period, options if the bankruptcy judge did not approve the agreement, and the number of employees at the location. The Council added Item 16., "The agreement is conditioned upon the approval by the bankruptcy court of this stipulation for adequate assurance of payment."

Mayor Hovland opened the public hearing at 7:56 p.m.

Public Testimony

No one appeared to comment.

Member Swenson made a motion, seconded by Member Brindle, to close the public hearing.

Ayes: Brindle, Staunton, Stewart, Swenson, Hovland

Motion carried.

Member Brindle made a motion, seconded by Member Stewart, approving the Stipulation for Adequate Assurance of Payment, as revised to add Item 16, The agreement is conditioned upon the approval by the bankruptcy court of this stipulation for adequate assurance of payment.

Ayes: Brindle, Staunton, Stewart, Swenson, Hovland

Motion carried.

VII. COMMUNITY COMMENT

No one appeared to comment.

VIII. REPORTS / RECOMMENDATIONS

VIII.A. ORDINANCE NO. 2015-02 AMENDING CHAPTER 8 OF THE CODE CONCERNING HONEY BEEKEEPING I – ADOPTED

Dianne Plunkett Latham, 7013 Comanche Court, shared that the Council had previously endorsed the proposal to amend the City Code to enable residents to maintain honeybee apiaries. The Council requested a policy be drafted that would regulate the registration and revocation process. There were two registration revocation policies for the Council to consider. The original and a second revised policy written by Manager Neal. The key difference between the policies was whether a general bee allergy or a specific honeybee allergy were grounds for revocation.

The Council noted that First Reading of Ordinance No. 2015-02 had been granted at the January 20, 2015, Council meeting. **Member Swenson made a motion to grant Second Reading adopting Ordinance No. 2015-02, Amending Chapter 8 of the Edina City Code Regarding Honey Beekeeping. Member Brindle seconded the motion.**

The Council discussed whether it needed to vote on the Registration Revocation policy or to allow staff to enforce and update it as needed. **The Council agreed amend the motion and revise Ordinance No. 2015-02 to add Item 8-316 (c) " In considering requests for denial, suspension revocation, the City Manager shall consider the public health safety and welfare issues and base his decision on criteria included in policies adopted and adjusted from time to time."**

Rollcall:

Ayes: Brindle, Staunton, Stewart, Swenson, Hovland

Motion carried.

VIII.B. APIARY REGISTRATION REVOCATION POLICY – DISCUSSED

Minutes/Edina City Council/March 17, 2015

The Council discussed the two Apiary Registration Revocation Policies and decided to take no action on a formal policy.

VIII.C. ORDINANCE NO. 2015-05 AMENDING CHAPTER 8 OF THE CODE REGARDING FOWL – ADOPTED

Ms. Latham shared that that this item was presented to the Council on January 20, 2015, as a single ordinance that dealt with bees and chicken keeping. The Council referred the section relating to chickens to the Energy and Environment Commission for further study to address humane treatment and animal cruelty. Ms. Latham discussed e-mails concerning best practices for keeping hens from a concerned citizen. She explained that humane treatment and animal cruelty were covered by Minnesota State Statutes and did not need to be included in the City's ordinance.

Ms. Latham answered a question of the Council relating to the total number of hens that would be allowed indicating that a property could have up to four hens. **Member Brindle made a motion to grant First and waive Second Reading adopting Ordinance No. 2015-05, Amending Chapter 8 of the Edina City Code Regarding Fowl. Member Stewart seconded the motion.**

Rollcall:

Ayes: Brindle, Staunton, Stewart, Swenson, Hovland

Motion carried.

VIII.D. ORDINANCE NO. 2015-06 AMENDING THE TERM OF THE ELECTRIC FRANCHISE GRANTED TO XCEL ENERGY COMPANY – ADOPTED

Mr. Neal reported that Xcel Energy's current franchise agreement with the City to operate a State regulated electrical utility on City-owned rights-of-way would expire on August 15, 2015. Xcel Energy agreed to extend the expiration date to November 15, 2015, and Ordinance No. 2015-06 would adopt the new expiration date. Mr. Neal also presented a proposal for preparing a new franchise renewal ordinance.

Mr. Neal answered a question of the Council relating to Xcel Energy's use of alternate energy methods.

Mayor Hovland noted that at a Mayor's Conference, he had viewed a Goals of Xcel Energy PowerPoint presented by the Xcel Energy CEO and requested that staff look into presenting that PowerPoint to the Council.

Member Swenson made a motion to grant First and waive Second Reading adopting Ordinance No. 2015-06, Amending the Term of the Electric Franchise Granted to Northern States Power Company, a Minnesota Corporation, D/B/A Xcel Energy. Member Staunton seconded the motion.

Rollcall:

Ayes: Brindle, Staunton, Stewart, Swenson, Hovland

Motion carried.

VIII.E. PROJECT UPDATE – PROMENADE PHASE 4 CONTRACT – APPROVED

Engineer Millner reported that the Council awarded the Promenade Phase 4 Project to Meisinger Construction in the amount of \$1,268,550.00 on February 17, 2015. Meisinger Construction notified the City on February 24, 2015, that it had made a significant mathematical error in the bid. Representatives from the City, contractor, and design team met on March 2, 2015, with legal counsel and the parties were unable to develop a plan where Meisinger Construction would complete the project. Mr. Millner presented three options for the Council to consider including: Option #1 Award to second lowest bidder; Option #2 Rebid with same project scope and bid documents; and, Option #3 Rebid with smaller project scope. Staff recommended Option #3 Rebid with smaller project scope to reduce impacts to limited funding sources. Mr. Millner also explained that legal counsel for Meisinger Construction had stated that they were willing to litigate if the City tried to pull the bid bond, but verbally committed to a \$10,000 cash settlement to cover a portion of the re-work.

The Council asked questions relating to the project timeline, Peterson Companies' reputation and quality of work, and funding sources. Mr. Neal noted the possibility of a Housing and Redevelopment Authority tax levy as a funding source. The Council discussed the three options and acknowledged the importance of keeping the project the same as the original design. **Member Brindle made a motion, seconded by Member Stewart, approving Option #1 Award to Second Lowest Bidder, Peterson Companies at \$1,443,339.23.**

Ayes: Brindle, Staunton, Stewart, Swenson, Hovland
Motion carried.

VIII.F. BIDS FOR STAIR ELEVATOR TOWER AT 50TH FRANCE BUSINESS DISTRICT – REJECTED

Public Works Director Olson shared that the Council approved a feasibility study for the 50th and France Parking and Way Finding Improvement Project on January 21, 2014, that included \$850,000.00 in construction cost for a stair elevator tower at the northeast corner of the south ramp. To date, the Housing and Redevelopment Authority had spent just over \$1,550,000.00 on the first phases of the project. Bids were opened on February 10, 2015, and came in 168% higher than the feasibility study costs.

Economic Development Manager Neuendorf reported where the stair elevator tower would be located and presented a sketch of the design. Mr. Neuendorf explained the challenges of both alternative sites for the tower and other design options. Staff recommended rejecting all of the bids and waiting for the "right time" to consider this project again.

The Council asked questions relating to cost and other possible locations. Mr. Olson updated the Council on the five projects that had been completed last summer. **Member Brindle made a motion, seconded by Member Swenson, rejecting all bids for the Stair Elevator Tower Project at the south ramp of 50th and France Avenue.**

Ayes: Brindle, Staunton, Stewart, Swenson, Hovland
Motion carried.

VIII.G. REQUEST FOR PURCHASE – 2015 QUALITY OF LIFE SURVEY – APPROVED

Communications and Technology Services Director Bennerotte presented the Request for Purchase for the 2015 Quality of Life Survey. The City was scheduled to complete its every other year survey this year. Staff secured proposals from Morris-Leatherman and the National Research Center for administering the survey, resulting in three alternatives. Ms. Bennerotte explained the three alternatives and shared the staff's recommendation to work with the National Research Center to complete a custom survey in 2015.

Ms. Bennerotte addressed questions of the Council relating to the budget for the survey and concerns with being able to compare results to previous surveys. **Member Staunton made a motion, seconded by Member Stewart, approving the Request for Purchase, 2015 Quality of Life Survey (custom survey), awarding the bid to the recommended bidder, National Research Center at \$27,250.00.**

Ayes: Brindle, Staunton, Stewart, Swenson, Hovland
Motion carried.

VIII.H. RESOLUTION NO. 2015-13 ADOPTED – ACCEPTING VARIOUS GRANTS AND DONATIONS

Mayor Hovland explained that in order to comply with State Statutes; all donations to the City must be adopted by Resolution and approved by four favorable votes of the Council accepting the donations. **Member Swenson introduced and moved adoption of Resolution No. 2015-13 accepting various grants and donations.** Member Brindle seconded the motion.

Rollcall:
Ayes: Brindle, Staunton, Stewart, Swenson, Hovland
Motion carried.

VIII.I. COUNCIL APPOINTMENTS TO THE SOUTHDAL FRANCE AVENUE WORK GROUP FOR THE INITIAL PHASE AND WORK SCHEDULE – APPROVED

Minutes/Edina City Council/March 17, 2015

Mr. Teague shared that, as recommended by the Planning Commission at the City Council's March 3, 2015, meeting, the Council was asked to approve the work schedule and appoint four individuals to the Southdale France Avenue Area Planning Work Group.

Member Staunton made a motion, seconded by Member Stewart, appointing Michael Schroeder, community-at-large member and convener of first meeting; Steve Brown, neighborhood representative member; Peter Fitzgerald, commercial property owner; and, Lori Syverson, community organization member, to the Southdale France Avenue Area Planning Work Group.

Ayes: Brindle, Staunton, Stewart, Swenson, Hovland

Motion carried.

IX. CORRESPONDENCE AND PETITIONS

IX.A. CORRESPONDENCE

Mayor Hovland acknowledged the Council's receipt of various correspondence.

IX.B. MINUTES:

- 1. ARTS AND CULTURE COMMISSION, DECEMBER 28, 2014 AND JANUARY 22, 2015**
- 2. PARK BOARD, FEBRUARY 10, 2015**
- 3. VETERAN'S MEMORIAL COMMITTEE, JANUARY 30, 2015**
- 4. CONSTRUCTION BOARD OF APPEALS MINUTES, JULY 23, 2012 AND DRAFT MINUTES, MARCH 6, 2015**
- 5. HERITAGE PRESERVATION BOARD, FEBRUARY 10, 2015**
- 6. PLANNING COMMISSION, FEBRUARY 25, 2015**
- 7. EDINA TRANSPORTATION COMMISSION, JANUARY 15, 2015**

IX.C. ADVISORY COMMUNICATION FROM THE ENERGY AND ENVIRONMENT COMMISSION, ADDING AN ENVIRONMENT PRINCIPLE TO THE GRANDVIEW PLAN GUIDING PRINCIPLES

Informational; no action required.

X. AVIATION NOISE UPDATE – Received

XI. MAYOR AND COUNCIL COMMENTS – Received

XII. MANAGER'S COMMENTS – Received

XII.A. COUNCIL CORRESPONDENCE

XIII. ADJOURNMENT

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 10:06 p.m.

Respectfully submitted,

Jennifer Bennerotte,
Communications & Technology Services Director

Minutes approved by Edina City Council, April 7, 2015.

James B. Hovland, Mayor

Video Copy of the March 17, 2015, meeting available.